

UNITED STATES OF AMERICA DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

US Attys
Plaintiff

vs

Luke Brugnara
Defendant

Hon. William Alsup

CR: 08-WHA-0222

CR: 14-WHA-0306

EMERGENCY MOTION TO

SANCTION ~~AND GRANT BAIL~~

ERIK BABCOCK AS COUNSEL;

AND GRANT REASONABLE BAIL

CONDITIONS TO HIRE PRIVATE COUNSEL;

AND VALUE "ART" BY AUCTION HOUSE

This Court has been notified numerous times in the past two months (since re-remand), in written motions submitted to this Court, and verbal statements in Court, that CJA appointed attorney Erik Babcock has not met with, nor spoken by phone with, Defendant Luke Brugnara; nor has Babcock given to Luke one page of Motions, Discovery, Orders, Replies, or any other written material in this case CR: 14-WHA-0306, since he was appointed (against the opposition of Brugnara, who wanted to keep Brandon LeBlanc as counsel) as counsel for Brugnara by this Court FOUR months ago. To date Babcock's complete apathy, disinterest and complete ineffectiveness continues as nothing has changed -- Brugnara has still not had any communication with Babcock, nor received any CR: 14-WHA-0306 documents despite numerous requests to this Court and Babcock. This complete and utter disregard for his professional duties and responsibilities took a huge turn for the worse

today when Babcock, ~~an~~ associate counsel James Stevens, ~~did~~ did not show up (without notice) to the scheduled BAIL HEARING in front of Judge Nat Cousins. This hearing was scheduled for over two (2) weeks. Babcock and Stevens showed complete and utter disregard to the Court, Judge Cousins, Judge Alsup and their client Luke Brugnara, who is locked in an Oakland jail cell 23/7. The US Marshals stated they have never seen two attorneys "blow off" a scheduled Court hearing, as happened today. Judge Cousins waited AN HOUR for either of these two attorneys, who fully knew they had Court scheduled at 11:00 AM today.

This simply is not fair to Luke Brugnara. Brugnara, as he stated ad-nauseum to this Court, wants to hire PRIVATE COUNSEL and MUST have reasonable bail conditions to borrow money to hire private counsel. Brugnara is being denied his Constitutional Right to effective counsel. Simple motion(s) to request this Court to value the "art" by an auction house (as this Court did last year in 24 hours on the "\$7.7M Warhol") have gone ignored - yet would result in this case being seen entirely different by this Court. Requests to subpoena records from the claimant have gone ignored. In short, Luke Brugnara is, and has been, without effective counsel for months, as clearly proven today in Court, as Judge Cousins ^{and Luke} waited an hour for the two attorneys to appear at the scheduled bail hearing in vain. This is just a "small taste" of the utter

frustration Luke has experienced over the past months, desperate for an effective, interested attorney who takes his job seriously.

Luke Brugnara is reduced to trying to defend himself, as an INNOCENT white collar defendant, from a ~~man~~ jail cell which is grossly UNFAIR. Brugnara needs to hire an attorney and this Court should allow him to do so; especially now in light of the new revelation that SOLE CLAIMANT in CR-WHA 14-0306 was arrested for ASSAULT WITH A DEADLY WEAPON TO COMMIT GROSS BODILY INJURY in recent weeks. This woman is a drunk with multiple DUIs and now arrested for assault with a deadly weapon and the SOLE CLAIMANT (emphasis added) in this fraud charge against Luke. She clearly has serious mental issues ~~and~~ and is a criminal as evidenced by her recent, current charges. In short, she does not have credibility. Certainly she has less credibility than Tony Crossley the Executive Vice President of the largest commercial real estate company in the world and Frank Sanders the former President of several FDIC banks who testified that Luke Brugnara is an honorable trustworthy businessman who has completed several hundreds of millions of dollars of transactions over the past 20+ years and has borrowed hundreds of millions of dollars and paid back every penny in full as agreed without any issues whatsoever. In short, that Luke Brugnara's history as a businessman spanning 22 yrs. is impeccable and proves he is an economic benefit. Rose Long's current arrests tells this Court all it needs to know about who this woman really is -- a crazy, unstable woman. This Court ordered the valuation of the art



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last year in the Writ of Execution, and received an unbiased auction value from Bonhams in less than 24 hours after the Order. Luke Brugnara requests that this Court ORDER the immediate valuation of the "art" (including the alleged contemporary 1998 "Degas" (stamped "reproduction") that was claimed to be delivered in a crate) by the same auction group - Bonhams - that gave the valuation on the "7.7M Warhol" last year. Luke Brugnara has been told, and has read, that these pieces are not valuable, certainly not worth anywhere near the \$11M claimed by arrestee Rose Long and relied upon as truth by the US Attorneys and this Court. The fact that this Court and US Attorneys jailed Luke on this single claimant's claim is UNFAIR and not consistent with the laws that govern our country. According to the attorneys who have reviewed this case, with nearly 200 yrs. of collective legal experience, they have never seen a fraud case with an unsubstantiated single claimant - the indictments and charged cases involve hundreds, or thousands, of bonafide victims. In fact in case CR:14-WHA-0306 Luke Brugnara was the intended VICTIM of fraud, not the perpetrator, and this Court will realize this once the auction house provides this Court with the true value of this "art." How will the Court give back to Luke the six months that he spent in a 6x9 Ft cement box as an innocent man? or his children and wife who are dying financially? This is why Luke must be granted reasonable bail; to prevent further injustice to an innocent man and his family by hiring effective PRIVATE counsel to reveal the TRUTH. Respectfully, Luke Brugnara 11/12/14

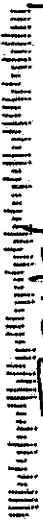
THIS IS AN AFFIDAVIT BY LUKE BRUGNARA

LUKE BRUGNARA
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LEGAL
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